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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/030,797

**Applicant(s)**

KLOPFENSTEIN ET AL.

**Examiner**

HUNG Q. DANG

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 8, 9, 11, 12 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 9, 11, 12 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/13/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/31/2008 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 07/09/2007 have been fully considered but they are not persuasive.

At pages 7-8, Applicant argues that, "referring to the elements of claim 1, the operation of the claimed invention provides that if there is a mismatch, three cases are performed: (1) information from the first table (the first version number in the VCT, for example) is used to substitute information in the second table (MGT); (2) information from the second table (the first version number in the MGT, for example) is used to substitute information in the first table (VCT); and (3) a reversion is made back to a first version number (either for the MGT or the VCT)." In response, the Examiner respectfully disagrees. In contrast with Applicant's arguments, claim 1 recites, "at least one of the steps of", which means at least one of those cases mentioned above is performed.

Kondo et al. disclose at least step (2) above as described at various passages as follows: at column 9, lines 6-9 as, "whenever the system of the present invention detects

a change in the VCT version number, the VCT content has changed and must necessarily be reloaded into memory; at column 10, lines 6-12 as, "when tables are changed on the broadcast side, their version numbers are incremented and the new version numbers are listed in the MGT. Based on version updates and on the memory requirements, the system of the present invention can validate previously stored tables, or reload into memory newly defined tables for updated display of the EPG," and at column 10, line 66 – column 11, line 8 as, "... reads the current version of the VCT (CVTV) from the currently broadcasting MGT as provided by the transport stream de-multiplexor at step 109. The VCT version number stored in memory (SVCTV) is retrieved 110 and compared at step 111 to the CVTV. If the two version numbers are different, or no corresponding version of the current VCT exists in memory, the current VCT is read 112 from the digital tuning subsystem at step 112. The stored VCT is then replaced, or updated, at step 113 with the currently broadcasting VCT." According to at least the three passages quoted above, clearly Kondo et al. disclose comparing the VCT table currently in the system and the VCT table from the broadcasting MGT (see Table I in column 9 for illustration of the contents of a MGT), and if a mismatch occurs (new VCT is available), the VCT table in the system is updated by replacement, which is the operation described by (2) above. For that reason, Kondo et al. clearly and sufficiently anticipates the limitation.

Also, the Examiner respectfully submits that Kondo et al. also disclose the newly added limitation of "wherein using said compatible version number is forced before acquiring new information corresponding to at least one of: said first table and said

second table." For example, as disclosed by Kondo et al., the version number of the VCT in the MGT is used or, in other words, forced into that of the VCT in the system before the next piece of new information of either the VCT or MGT from broadcasting is available. In other words, it won't be updated or forced again until new information is acquired.

At page 9, Applicant states that the rejection of previously claim 10, which is now incorporated into claim 9, using a combination of Kondo et al. and Blatter is not understood.

In response, the Examiner respectfully submits that the difference between previous claim 9 and previous claim 10 is that, claim 10 was further limited to "examining for an error condition" and "decoding in response to the absence of an error condition. That further limitations are disclosed by Blatter. As described in Blatter's Abstract, the decoding is performed using the current PSI, which is updated with the content of PSI data, provided that there is an absence of a PSI content error indication." Clearly, the error condition is an error occurring in the content of the PSI. Obviously, to one of ordinary skill in the art, a content error does not refer to a version number mismatch between PSIs but, instead, to a corrupted state of the content data of the PSI. Hence, when both references are combined, the resulting system will decode said packetized program information in response to the absence of an error condition, which occurs due to a corrupted state of PSI data, when the version number mismatch is detected by applying program specific information including information in said first table as disclosed in Kondo et al.

At page10, Applicant argues that, "it is not apparent though how a user deleting a channel from a channel listing for a rarely watched channel has anything to do with detecting version numbers of MGT or VCT tables for a fault condition." Applicant also argues that, "the claimed operation of claim 19 will remove a channel from a user listing in response to a fault condition, versus the combination of Kondo and Augenbraun where a user either manually adds a channel or deletes a channel for user listing in response to the user's preferences, not a detected fault condition."

In response, first, the Examiner respectfully apologizes for the missing quotation of Augenbraun and thanks Applicant for correctly pointing it out in the Examiner's rejection of claim 19. In fact, it is the passage that the Examiner intended to quote. Back to Applicant's arguments above, the Examiner respectfully submits that Kondo et al. disclose a fault condition that would prevent the channel from being correctly displayed (column 9, lines 25-31). However, Kondo et al. do not disclose deleting the channel from the channel listing. That's the only limitation that Kondo et al. do not disclose. Now, Augenbraun et al. cites, "it is also possible to customize the channel guide in that the channels that the user rarely accesses can be removed upon the initial display." To one of ordinary skill in the art, the "channels that the user rarely accesses" are also applied to those that are inaccessible. The channels detected with fault condition disclosed in Kondo et al. are clearly in this category. For that reason, deleting the channels that are inaccessible from the channel listing (disclosed by Augenbraun) would keep users from being confused (user-friendlier) and/or save memory that can be used for other information.

For that reason, the rejections stand as previously presented.

### ***Claim Objections***

Claims 1 and 11 are objected to because of the following informalities: claim 1 recites "said first tale version" that is believed to be "said first table version". Claim 11 is objected because it depends on a cancelled claim. It is believed it depends on independent claim 9. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 4, 6, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondo et al. (US Patent 6,763,522).**

Regarding claim 1, Kondo et al. disclose a method in a system for decoding packetized program information including ancillary program specific information comprising a plurality of hierarchically ordered information tables (column 3, line 65 – column 4, line 3), said ancillary information being for use in acquiring and decoding packetized program information to provide a video program for display (column 3, line 65 – column 4, line 3), comprising the steps of: detecting a mismatch between a version number of a first table of said program specific information and a corresponding version

Art Unit: 2621

number of said first table conveyed in a second table (column 10, lines 1-12; column 4, lines 6-17); ensuring compatibility of said first table version number conveyed in said first and second tables in response to said detected mismatch using a forced compatible version number, wherein using said compatible version number is forced before acquiring new information corresponding to at least one of: said first table and said second table (column 8, lines 59-66; column 9, lines 6-9, 25-28; column 11, lines 2-50; also see "Response to Arguments" above); and decoding packetized program information using program specific information including said first and second tables, at least one of said first and second tables including said forced compatible version number to provide a video program for display (column 4, lines 25-33; column 2, lines 41-44); wherein said step of ensuring compatibility of said first table version number conveyed in said first and second tables includes at least one of the steps of: substituting a version number for said first table version number by substituting in said first table said first table number conveyed in said second table, to ensure compatibility, substituting said version number for said first table for said table version by substituting in said second table said first table number conveyed in said first table, to ensure compatibility, and reverting to a previous version of at least one of (a) said first table, and (b) said second table, to ensure version number compatibility (column 10, lines 6-8; see "Response to Arguments" above).

Regarding claim 4, Kondo et al. also disclose said second table conveys a plurality of version numbers corresponding to version numbers conveyed in said plurality of hierarchically ordered information tables (TABLE 1 in column 9), and said



Art Unit: 2621

detecting step includes the step of comparing individual version numbers of said plurality of hierarchically ordered information tables against corresponding individual version numbers conveyed in said second table (column 10, line 63 – column 11, line 53).

Regarding claim 6, Kondo et al. also disclose said substituting step comprises overwriting said first table version number conveyed in at least one of (a) said first table, and (b) said second table, to ensure compatibility (column 10, lines 6-8).

Regarding claim 8, Kondo et al. also disclose said step of ensuring compatibility of said first table version number conveyed in said first and second tables includes the step of acquiring at least one of (a) a new version of said first table, and (b) a new version of said second table, to ensure version number compatibility after said forcing operation is performed (column 11, lines 2-10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US Patent 6,763,522) as applied to claims 1, 4, 6, and 8 above, and further in view of Ozkan et al. (WO 99/03268).**

Regarding claim 2, Kondo et al. disclose second table contains information for acquiring program specific information conveyed in other tables including identifiers for

identifying data packets comprising said first table (TABLE 1 in column 9). Kondo et al. also disclose first table comprises a channel map, which contains a list of all of the channels with their attributes (column 9, lines 1-6). However, Kondo et al. do not disclose the channel map to associate a transmission channel carrier frequency with data identifiers used to capture data streams constituting a program conveyed on a broadcast channel.

Ozkan et al. disclose a channel map to associate a transmission channel carrier frequency with data identifiers used to capture data streams constituting a program conveyed on a broadcast channel (abstract).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the channel map taught by Ozkan et al. into the channel map taught by Kondo et al. because of simple implementation.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US Patent 6,763,522) as applied to claims 1, 4, 6, and 8 above, and further in view of Blatter et al. (US Patent 5,844,595).**

Regarding claim 3, see the teachings of Kondo et al. as discussed in claim 1 above. However, Kondo et al. do not disclose examining said program specific information for error indications by examining at least one of (a) an MPEG transport error indicator, (b) an MPEG discontinuity indicator, (c) an MPEG continuity counter, and decoding said packetized program information in response to said examination determination of an error free condition.

Blatter et al. disclose examining program specific information for error indications (abstract) by examining at least one of (a) an MPEG transport error indicator, (b) an MPEG discontinuity indicator, (c) an MPEG continuity counter (column 12, lines 16-22; column 15, lines 44-67), and decoding packetized program information in response to said examination determination of an error free condition (abstract).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the concept of examining the program specific information for errors and decoding the packetized program information in response to a determination of an error free condition taught by Blatter et al. into the method taught by Kondo et al. for ensuring data reliability.

**Claims 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US Patent 6,763,522) and Blatter et al. (US Patent 5,844,595).**

Regarding claim 9, Kondo et al. disclose a method in a system for decoding packetized program information including ancillary program specific information comprising a plurality of hierarchically ordered information tables (column 3, line 65 – column 4, line 3), said ancillary information being for use in acquiring and decoding packetized program information to provide a video program for display (column 3, line 65 – column 4, line 3), comprising the steps of: detecting a mismatch between a version number of a first table of said program specific information and a corresponding version number of said first table conveyed in a second table (column 10, lines 1-12; column 4, lines 6-17); decoding packetized program information (column 4, lines 25-33; column 2,

lines 41-44) by disregarding said first table version number conveyed in said first and second tables in response to said detected mismatch and by applying program specific information including information in said first table (column 11, lines 2-10).

However, Kondo et al. do not disclose examining said program specific information for an error condition and decoding said packetized program information in response to the absence of an error condition.

Blatter et al. disclose examining said program specific information for an error condition (abstract) and decoding said packetized program information in response to the absence of an error condition (abstract; also see "Response to Arguments" above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the concept of examining the program specific information for error condition and decoding the packetized program information in response to the absence of an error condition taught by Blatter et al. into the method taught by Kondo et al. for ensuring data reliability.

Regarding claim 11, see the teachings of Kondo et al. and Blatter et al. as discussed in claim 10 above. Furthermore, Blatter et al. also disclose said error condition is indicated by at least one of (a) an MPEG transport error indicator, (b) an MPEG discontinuity indicator, (c) an MPEG continuity counter (column 12, lines 16-22; column 15, lines 44-67).

Claim 12 is rejected for the same reason as discussed in claim 4 above with reference to claim 9 above.

**Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US Patent 6,763,522) and Augenbraun et al. (US Patent 5,617,565).**

Regarding claim 19, Kondo et al. disclose a method in a system for decoding packetized program information including ancillary program specific information comprising a plurality of hierarchically ordered information tables (column 3, line 65 – column 4, line 3), said ancillary information being for use in acquiring and decoding packetized program information to provide a video program for display (column 3, line 65 – column 4, line 3), comprising the steps of: detecting a fault condition in program specific information comprising at least one of (a) a version number incompatibility between a version number of a first table and a corresponding version number of said first table conveyed in a second table, and (b) a PSI error condition (column 10, lines 1-12; column 4, lines 6-17); indicating in a database said transmission channel is associated with said detected fault condition (column 9, lines 25-31). Also, Kondo et al. also disclose the information associated with the fault detection is flagged invalid and not displayed (column 9, lines 25-31). However, Kondo et al. do not disclose removing a channel associated with said fault condition from a User's viewable active channel line-up list.

Augenbraun et al. disclose removing a channel from a User's viewable active channel line-up list (column 5, lines 13-17).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the step of removing a channel from the line-up list taught

by Augenbraun et al. into the method taught by Kondo et al. because such doing would make the method user-friendlier.

**Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US Patent 6,763,522) and Augenbraun et al. (US Patent 5,617,565) as applied to claim 19 above, and further in view of Blatter et al. (US Patent 5,844,595).**

Regarding claim 20, see the teachings of Kondo et al. and Augenbraun et al. as discussed in claim 19 above. However, the proposed combination of Kondo et al. and Augenbraun et al. does not disclose detecting a PSI error condition comprising at least one of (a) an MPEG transport error, (b) an MPEG discontinuity error, (c) an MPEG continuity count error, and (d) an error indicated by a variance between successive time stamps.

Blatter et al. disclose detecting a PSI error condition (abstract) comprising at least one of (a) an MPEG transport error, (b) an MPEG discontinuity error, (c) an MPEG continuity count error, and (d) an error indicated by a variance between successive time stamps (column 12, lines 16-22; column 15, lines 44-67).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the step of detecting PSI error condition taught by Blatter et al. into the method taught by Kondo et al. and Augenbraun et al. for data reliability.

**Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US Patent 6,763,522) and Augenbraun et al. (US Patent 5,617,565) as**

**applied to claim 19 above, and further in view of Fujimori et al. (US Patent 6,445,923).**

Regarding claim 21, see the teachings of Kondo et al. and Augenbraun et al. as discussed in claim 19 above. However, the proposed combination of Kondo et al. and Augenbraun et al. does not disclose indicating a channel as being associated with a fault condition in a user's viewable channel line-up list.

Fujimori et al. disclose indicating a channel as being associated with a fault condition in a user's viewable display (column 2, lines 1-8).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the step of indicating a channel as being associated with a fault condition in a user's viewable display taught by Fujimori et al. into the method taught by Kondo et al. and Augenbraun et al. because doing such would make the method user-friendlier.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. DANG whose telephone number is (571)270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621